



## Senate

General Assembly

**File No. 726**

January Session, 2011

Substitute Senate Bill No. 1034

*Senate, May 3, 2011*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING CRIMINAL OPERATION OF A MOTOR VEHICLE THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2011*) Any person convicted of
- 2 a motor vehicle offense that resulted in the death or serious physical
- 3 injury of another person may, prior to sentencing for the offense, make
- 4 a statement, affirmation, gesture or expression of apology, fault,
- 5 sympathy, commiseration, condolence, compassion or a general sense
- 6 of benevolence to the victim of such offense, a relative of the victim or
- 7 a representative of the victim. Such statement, affirmation, gesture or
- 8 expression shall be made before the court in a courtroom closed to the
- 9 public at a time set by the court. The content of such statement,
- 10 affirmation, gesture or expression may be considered by the court in
- 11 determining the sentence to be imposed for such offense. Such
- 12 statement, affirmation, gesture or expression shall be inadmissible as
- 13 evidence of an admission of liability or as evidence of an admission
- 14 against interest in any civil or criminal proceeding. For the purposes of

15 this section, "serious physical injury" has the same meaning as  
16 provided in section 53a-3 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	New section

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact associated with allowing a person convicted of a motor vehicle offense that resulted in a death or serious injury to another person to give a statement to the victim or victim's relatives.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****sSB 1034*****AN ACT CONCERNING CRIMINAL OPERATION OF A MOTOR VEHICLE THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY.*****SUMMARY:**

This bill allows a person convicted of a motor vehicle offense that resulted in another's death or serious physical injury to, before sentencing, make a statement, affirmation, gesture, or expression of apology, fault, sympathy, commiseration, condolence, compassion, or a general sense of benevolence to the victim or the victim's relative or representative that:

1. is before the court in a courtroom closed to the public, at a time set by the court;
2. may be considered by the court at sentencing; and
3. is inadmissible as evidence in a civil or criminal proceeding as an admission (a) of liability or (b) against interest.

"Serious physical injury" means physical injury that creates a substantial risk of death or causes serious disfigurement, impairment of health, or loss or impairment of an organ's function.

EFFECTIVE DATE: October 1, 2011

**BACKGROUND*****Motor Vehicle Offenses***

Various crimes could be considered motor vehicle offenses that resulted in the death or serious physical injury of another including:

1. 2<sup>nd</sup> degree manslaughter with a motor vehicle (which involves

- operating under the influence) (CGS § 53a-56b);
2. misconduct with a motor vehicle (CGS § 53a-57);
  3. 2<sup>nd</sup> degree assault with a motor vehicle (which involves operating under the influence) (CGS § 53a-60d); and
  4. increasing speed to elude an officer, causing death or serious injury (CGS § 14-223).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea    44    Nay   0    (04/15/2011)